

Appendix B: Determination on Acceptance of a Case and Preparation

Determination on the Acceptance of a Case for Proceedings and its Preparation for Court Consideration

City of Chelyabinsk

26 April 1999 Case No. A76-3051/99-39-102

Judge of the Arbitrazh Court of Chelyabinsk Oblast Alginova, S.I.,
having considered the materials of the case concerning the suit of OAO Kombinat
Magnezit” of the city of Satka

against the State Tax Inspectorate for the city of Satka

concerning the recognition as void of decision No. 75 of the State Tax Inspectorate
of 23 March 1999

HAS ESTABLISHED:

The petition was submitted taking account of the proper venue and with observance of the requirements of Articles 102-104 of the Arbitrazh Procedure Code of the Russian Federation.

Bearing in mind the sufficiency of the basis for the acceptance of the petition of suit and the consideration of the dispute in a court session, as well as the necessity to take actions directed toward provision for the correct and timely consideration of the dispute, and being guided by Articles 106, 112, 113 and 140 of the Arbitrazh Procedure Code of the Russian Federation [the judge]

HAS DETERMINED:

1. To accept the petition of suit for proceedings and to appoint the case for consideration in a session, which will take place on 26 May 1999 at 10:00 in the premises of the arbitrazh court of the city of Chelyabinsk, ul. Voroskogo 2, in room number 617, telephone 65-33-70.
 2. To call to the session the parties and also _____.
 3. In the process of preliminary preparation of the case for hearing to propose to the persons participating in the case that they complete the following actions:
 - 3.1. To the plaintiff (petitioner) [it is proposed] to present the documents stated in points _____ of the “list” given on the other side of this determination, and also the decree on the registration of the enterprise
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3.2. To the respondent [it is proposed] to present the documents stated in points _____ of the “list” given on the other side of this determination, and also:

_____ a justified response [to the petition of suit], with the normative and documentary bases for the challenged decision

Judge: [signature]

Note: In correspondence you must refer to the number of the case. In accordance with point 3 of Article 119 of the APC RF, in the case of failure of a plaintiff who has been properly notified of the time and place for the consideration of the case to appear in the court session, **the dispute may be resolved only in the presence of a petition of the plaintiff for the consideration of the case in his absence, and otherwise the case will be left without consideration in accordance with point 6 of Article 87 of the APC RF.**

[Translator’s Note: The determination shown here is a form document containing blanks which are to be filled in as appropriate by the judge deciding whether the case is to be accepted for consideration. Points not relevant to the particular case are simply left blank, as point 2 in the example shown. The reverse side of the determination contains a standard list of documents that may be necessary in cases of particular types. For example, under the first category heading “Legal Position (Authority) of a Person” there are listed eight types of documents (charter of an enterprise, founding contract, power of attorney, evidence of registration of an individual entrepreneur, and so forth), each numbered 1.1 through 1.8, so that the judge may simply inset their numbers into the form for the determination under points 3.1 and 3.2.]